

EXHIBIT B

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10 Attorneys for Defendants
NISSAN NORTH AMERICA, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15 ROBERT GARNEAU, COURTNEY
JOHNSON, RHONDA PERRY, DAVID
16 TURNER, JANE REEVES, SCOTT REEVES,
LISA HENDRICKSON, NANCY HOUSELL,
17 JEFFREY OLKOWSKI, and VAUGHN
KERKORIAN on behalf of themselves and all
18 others similarly situated,

19 Plaintiffs,

20 v.

21 NISSAN NORTH AMERICA, INC. and
NISSAN MOTOR CO., LTD,

22 Defendants.
23

Case No. 4:18-cv-07292-HSG

**DEFENDANT NISSAN NORTH
AMERICA, INC.'S OBJECTIONS AND
RESPONSES TO PLAINTIFFS' FIRST
SET OF INTERROGATORIES**

24 PROPOUNDING PARTY: PLAINTIFFS ROBERT GARNEAU, COURTNEY JOHNSON,
RHONDA PERRY, DAVID TURNER, JANE REEVES, SCOTT
25 REEVES, LISA HENDRICKSON, NANCY HOUSELL,
26 JEFFREY OLKOWSKI, and VAUGHN KERKORIAN

27 RESPONDING PARTY: NISSAN NORTH AMERICA, INC.

28 SET NO.: ONE (1)

1 Pursuant to Federal Rule of Civil Procedure 33, Defendant Nissan North America, Inc.
2 (“NNA”) submits its Objections and Responses to Plaintiffs’ First Set of Interrogatories
3 (“Interrogatories”) as follows:

4 **PRELIMINARY STATEMENTS AND OBJECTIONS**

5 1. In responding to these Interrogatories, NNA has considered Plaintiffs’ definitions
6 solely for the purpose of trying to understand what Plaintiffs are asking about. NNA does not
7 necessarily agree that the definitions are accurate or useful for any other purpose. In responding
8 to these Interrogatories, NNA is not agreeing with or adopting the definitions regardless of
9 whether it has made additional specific objections to each of the definitions or individual
10 requests.

11 2. Unless otherwise indicated, NNA does not interpret the form of the individual
12 Interrogatories to seek disclosure of information of: (1) correspondence between NNA and its
13 attorneys; (2) communications between or among NNA and any related Nissan company and their
14 representatives subsequent to notification that Plaintiffs would be asserting a claim made in
15 connection with the investigation and defense of such claim; (3) notes or other work product of
16 NNA’s attorneys; (4) other documents created by or for NNA lawyers; and (5) documents
17 prepared by consulting experts, regardless of whether the documents apply to this or another suit
18 or claim which has been made or is anticipated. If any of the specific Interrogatories are intended
19 by Plaintiffs to include any of these privileged items, NNA requests that Plaintiffs identify in
20 writing the Interrogatory, and the specific privileged information that is sought. To the extent that
21 these Interrogatories call for information protected from discovery under the attorney-client
22 privilege, the attorney work product doctrine, or any other privilege afforded by law, NNA
23 objects on those grounds.

24 3. NNA objects generally to these Interrogatories to the extent they request
25 information related to vehicles beyond model year 2017-2018 Nissan Rogue, 2017-2018 Nissan
26 Rogue Sport, and 2018 Nissan Murano, on the grounds that such discovery requests seek
27 information that is not relevant to the claims in this action, and is not proportional to the needs of
28 the case.

1 4. NNA objects to Plaintiffs' instructions to the extent they seek to impose
2 obligations beyond the requirements of the Federal Rules of Civil Procedure, the Local Rules of
3 the United States District Court for the Northern District of California, and any other applicable
4 law.

5 5. NNA objects generally to Plaintiffs' proposed time period of "January 1, 2008 to
6 present" for these Interrogatories as it is overbroad in temporal scope, seeks information that is
7 not relevant to the claims in this action, and is not proportional to the needs of the case. The time
8 period for NNA's responses will be January 1, 2015 to the present.

9 6. NNA objects to Plaintiffs' definitions of "Nissan NA," "You," and "Your" on the
10 grounds that they are so overly broad as to be misleading, are inaccurate factually, and have no
11 real meaning. These responses are made on behalf of Nissan North America, Inc. only and the
12 phrases "Nissan NA," "You," and "Your" will only be construed as Nissan North America, Inc.
13 in these Answers.

14 7. NNA objects to Plaintiffs' definitions of "Nissan MC" and "Nissan" on the
15 grounds that they are so overly broad as to be misleading, are inaccurate factually, and have no
16 real meaning. Plaintiffs' Interrogatories were propounded to Nissan North America, Inc., and
17 these responses are made on behalf of Nissan North America, Inc. only.

18 8. NNA objects to Plaintiffs' definition of "AEB/FEB Defect" on the grounds that
19 the use of such a phrase is argumentative, assumes a premise that is disputed, and also is so
20 vague, broad and general as to have no real meaning. The definition references symptoms that
21 can be described differently by different people, can have various causes and may have nothing to
22 do with the AEB technology. As a result, every Interrogatory using this phrase is misleading and
23 cannot be fairly answered as phrased.

24 9. NNA's discovery and investigation of the facts relevant to this case are ongoing
25 and NNA's responses to these Interrogatories are made to the best of its present knowledge,
26 information, and belief. NNA reserves the right to amend and/or supplement its responses, which
27 are subject to such additional or different information as discovery or further investigation may
28 disclose.

1 10. In an effort to cooperate with Plaintiffs and their counsel in the discovery process,
2 NNA and its counsel agree to confer with Plaintiffs' counsel to resolve any objections noted in
3 these responses, in an effort to better understand what information Plaintiffs believe they may
4 need regarding this case, and if necessary, to better define the scope of discovery.

5 11. Each of the foregoing general objections is incorporated by reference below in
6 NNA's responses to each of Plaintiffs' Interrogatories.

7 **SPECIFIC OBJECTIONS AND RESPONSES**

8 **Interrogatory No. 1:**

9 What measures, if any, has Nissan employed to guard against the AEB/FEB suddenly and
10 unexpectedly engaging even when no collision is imminent, no obstacles are within striking
11 distance and without need for driver brake application. For any measure identified in your
12 response please set forth with specificity and in detail:

- 13 a. When Nissan identified such hazards;
14 b. Nissan's process of designing and implementing any such protective
15 measure;
16 c. Any testing of such measures;
17 d. When any such protective measure was put into production; and
18 e. The specific Nissan vehicles containing such measures.

19 **Response to Interrogatory No. 1:**

20 NNA objects to this Interrogatory on the grounds that it is vague, ambiguous, compound,
21 and appears to cover a broad and complex subject. Therefore, it is overbroad, burdensome, and
22 oppressive. NNA further objects to this Interrogatory on the grounds that it is argumentative,
23 vague, and assumes a premise that is disputed. NNA further objects to this Interrogatory on the
24 ground that it is vague and ambiguous in its use of the phrases "employed to guard against," "no
25 obstacles are within striking distance," "without need for driver brake application," "Nissan's
26 process of designing and implementing," and "specific Nissan vehicles containing such
27 measures." NNA further objects to this Interrogatory on the grounds that it so vague and
28 ambiguous that NNA cannot determine what information, document, or material is truly sought

1 and therefore cannot provide a meaningful response. NNA further objects to this Interrogatory on
2 the ground that it seeks information containing and/or reflecting proprietary information, trade
3 secrets, other sensitive or confidential business information.

4 Subject to and without waiving its objections:

5 NNA did not have design responsibility for automatic emergency braking systems in any
6 Nissan vehicles so it is unable to answer this Interrogatory as phrased. Nissan Motor Co., Ltd.
7 had overall design responsibility for automatic emergency braking systems in Nissan vehicles.

8 **Interrogatory No. 2:**

9 Please set forth in specificity and in detail your process for performance and safety testing
10 (including pre-production and post-production) for the ISST/AEB/FEB, including but not limited
11 to:

- 12 a. The type and manner of any such test;
- 13 b. The protocol for any such testing;
- 14 c. The reasons for such tests;
- 15 d. Your method for documenting and reporting results; and
- 16 e. The specific documents evidencing such tests and their results.

17 **Response to Interrogatory No. 2:**

18 NNA objects to this Interrogatory on the grounds that it is vague, ambiguous, compound,
19 and appears to cover a broad and complex subject. Therefore, it is overbroad, burdensome, and
20 oppressive. NNA further objects to this Interrogatory on the ground that it is vague and
21 ambiguous in its use of the phrases “process for performance and safety testing,” “type and
22 manner,” “the reasons for such tests,” and “the protocol for any such testing.” NNA further
23 objects to this Interrogatory on the ground that it seeks information containing and/or reflecting
24 proprietary information, trade secrets, other sensitive or confidential business information.

25 Subject to and without waiving its objections:

26 NNA did not have design responsibility for automatic emergency braking systems in any
27 Nissan vehicles so it is unable to answer this Interrogatory as phrased. Nissan Motor Co., Ltd.
28 had overall design responsibility for automatic emergency braking systems in Nissan vehicles.

1 **Interrogatory No. 3:**

2 Identify all present or former employees of Nissan and/or its corporate affiliates who
3 participated in determining what corrective action, if any, would be taken in response to reports of
4 the alleged AEB/FEB Defect in the AEB-Equipped Vehicles.

5 **Response to Interrogatory No. 3:**

6 NNA objects to this Interrogatory on the grounds that it is vague, ambiguous, and appears
7 to cover a broad and complex subject. Therefore, it is overbroad, burdensome, and oppressive.
8 NNA further objects to this Interrogatory as vague, ambiguous, overbroad, and burdensome in its
9 reference to “corporate affiliates.” This Interrogatory is answered only on behalf of NNA. NNA
10 further objects to this Interrogatory, which seeks information related to the “AEB/FEB Defect,”
11 on the grounds that it is argumentative, vague, and assumes a premise that is disputed. NNA
12 further objects to this Interrogatory as vague, ambiguous, overbroad, and burdensome to the
13 extent it asks to identify “all” employees.

14 Subject to and without waiving its objections:

15 At this time, the case is in its early stages and various motions challenging Plaintiffs’
16 pleadings are pending. Further, NNA’s investigation into facts relevant to this case is ongoing.
17 Depending on the ultimate issues deemed relevant to this case, there could be various NNA
18 employees with knowledge about issues involved in this case. At this time, NNA has already
19 identified in its Initial Disclosures the following employees believed to be knowledgeable about
20 NNA’s investigations and projects related to automatic emergency braking systems:

21 Martin Lambrecht
22 Manager, Field Quality Investigations
23 Nissan North America, Inc.
24 610 Enon Springs Rd. East
Smyrna, TN 37167

25 Selim Hammoud
26 Director, Product Safety & Environmental
27 Nissan North America, Inc.
One Nissan Way
Franklin, TN 37067

1 Tom Cole
2 Senior Manager, Field Quality Investigations
3 Nissan North America, Inc.
4 610 Enon Springs Rd. East
5 Smyrna, TN 37167

6 Other individuals may be identified after investigation and discovery have progressed, and
7 NNA reserves the right to supplement this response.

8 **Interrogatory No. 4:**

9 Identify all persons who wrote, prepared, compiled and/or maintained any studies,
10 analyses, memoranda and/or databases relating to the alleged AEB/FEB Defect in vehicles
11 equipped with an ISST/AEB/FEB or similar Forward Collision Avoidance System (whether or
12 not such vehicles were manufactured or marketed by Nissan), for or on behalf of a Nissan.

13 **Response to Interrogatory No. 4:**

14 NNA objects to this Interrogatory on the grounds that it is vague, ambiguous, and appears
15 to cover a broad and complex subject. Therefore, it is overbroad, burdensome, and oppressive.
16 NNA further objects to this Interrogatory, which seeks information related to the “AEB/FEB
17 Defect,” on the grounds that it is argumentative, vague, and assumes a premise that is disputed.
18 NNA further objects to this Interrogatory on the grounds it is overly broad, seeks information not
19 relevant to the claims and defenses raised in this litigation, and not proportional to the needs of
20 the case. NNA further objects to this Interrogatory on the grounds that it vague and ambiguous in
21 the use of the phrases “compiled and/or maintained any studies, analyses, memoranda and/or
22 databases” and “a Nissan.” NNA further objects to this Interrogatory as vague, ambiguous,
23 overbroad, and burdensome to the extent it asks to identify “all” persons. NNA further objects to
24 this Interrogatory on the grounds that it so vague and ambiguous that NNA cannot determine
25 what information, document, or material is truly sought and therefore cannot provide a
26 meaningful response. NNA further objects to this Interrogatory to the extent it presumes
27 information and/or documents currently exist, existed in the past, or are generated or maintained
28 in a particular manner.

Subject to and without waiving its objections:

1 At this time, the case is in its early stages and various motions challenging Plaintiffs'
2 pleadings are pending. Further, NNA's investigation into facts relevant to this case is ongoing.
3 Depending on the ultimate issues deemed relevant to this case, there could be various NNA
4 employees with knowledge about issues involved in this case. At this time, NNA has already
5 identified in its Initial Disclosures the following employees believed to be knowledgeable about
6 NNA's investigations and projects related to automatic emergency braking systems:

7 Martin Lambrecht
8 Manager, Field Quality Investigations
9 Nissan North America, Inc.
610 Enon Springs Rd. East
10 Smyrna, TN 37167

11 Selim Hammoud
12 Director, Product Safety & Environmental
Nissan North America, Inc.
13 One Nissan Way
Franklin, TN 37067

14 Tom Cole
15 Senior Manager, Field Quality Investigations
Nissan North America, Inc.
16 610 Enon Springs Rd. East
Smyrna, TN 37167

17 In response to this Interrogatory, NNA further identifies the following:

18 Hiroyuki Otsuka
19 Senior Manager, Chassis and Intelligent Transport Systems Engineering
20 Nissan Technical Center North America
39001 Sunrise Drive
21 Farmington Hills, MI 48333

22 Toshimichi Gokan
23 Manager, Brake and Vehicle Dynamic Control/Intelligent Transport Systems
Nissan Technical Center North America
24 39001 Sunrise Drive
Farmington Hills, MI 48333

25 Other individuals may be identified after investigation and discovery have progressed, and
26 NNA reserves the right to supplement this response.
27
28

1 **Interrogatory No. 5:**

2 Identify all persons employed by Nissan and/or its corporate affiliates who were, during
3 the period commencing January 1, 2008, to the present, responsible for receiving, recording
4 and/or responding to consumer complaints, dealer contacts, customer hotline complaints,
5 warranty claims, and approving and evaluating warranty repairs that can reasonably be construed
6 as describing or alleging incidents or events of the alleged AEB/FEB Defect in the AEB-
7 Equipped Vehicles.

8 **Response to Interrogatory No. 5:**

9 NNA objects to this Interrogatory on the grounds that it is vague, ambiguous, and appears
10 to cover a broad and complex subject. Therefore, it is overbroad, burdensome, and oppressive.
11 NNA further objects to this Interrogatory as vague, ambiguous, overbroad, and burdensome in its
12 reference to “corporate affiliates.” This Interrogatory is answered only on behalf of NNA. NNA
13 further objects to this Interrogatory, which seeks information related to the “AEB/FEB Defect,”
14 on the grounds that it is argumentative, vague, and assumes a premise that is disputed. NNA
15 further objects to this Interrogatory on the grounds it is overly broad and not proportional to the
16 needs of the case, including in its use of the phrases “dealer contacts,” “customer hotline
17 complaints,” “customer complaints,” warranty claims,” and “approving and evaluating warranty
18 repairs.” NNA further objects to this Interrogatory on the ground that it is vague, ambiguous,
19 overbroad, and burdensome in its use of the phrase “responsible for” and to the extent it asks to
20 identify “all” employees. NNA further objects to this Interrogatory on the ground that it calls for
21 speculation in its use of the phrase “that can reasonably be construed.” NNA further objects to
22 this Interrogatory as it is overbroad in temporal scope.

23 Subject to and without waiving its objections:

24 At this time, the case is in its early stages and various motions challenging Plaintiffs’
25 pleadings are pending. Further, NNA’s investigation into facts relevant to this case is ongoing.
26 Depending on the ultimate issues deemed relevant to this case, there could be various NNA
27 employees with knowledge about issues involved in this case. At this time, NNA has already
28 identified in its Initial Disclosures the following employees believed to be knowledgeable about

1 NNA's investigations and projects related to automatic emergency braking systems:

2 Martin Lambrecht
3 Manager, Field Quality Investigations
4 Nissan North America, Inc.
5 610 Enon Springs Rd. East
6 Smyrna, TN 37167

7 Selim Hammoud
8 Director, Product Safety & Environmental
9 Nissan North America, Inc.
10 One Nissan Way
11 Franklin, TN 37067

12 Tom Cole
13 Senior Manager, Field Quality Investigations
14 Nissan North America, Inc.
15 610 Enon Springs Rd. East
16 Smyrna, TN 37167

17 In response to this Interrogatory, NNA further identifies the following:

18 Hiroyuki Otsuka
19 Senior Manager, Chassis and Intelligent Transport Systems Engineering
20 Nissan Technical Center North America
21 39001 Sunrise Drive
22 Farmington Hills, MI 48333

23 Toshimichi Gokan
24 Manager, Brake and Vehicle Dynamic Control/Intelligent Transport Systems
25 Nissan Technical Center North America
26 39001 Sunrise Drive
27 Farmington Hills, MI 48333

28 NNA further states that its Consumer Affairs department takes customer calls and
inquiries sent via email or written correspondence. The current senior manager of NNA's
Consumer Affairs department is:

James Schulte
Senior Manager, Nissan Inbound Customer Contact, Customer Resource Center
Nissan North America, Inc.
4500 Singer Road
Murfreesboro, TN 37129

Other individuals may be identified after investigation and discovery have progressed, and

1 NNA reserves the right to supplement this response.

2 **Interrogatory No. 6:**

3 Identify all persons employed by Nissan and/or its corporate affiliates who were, during
4 the period commencing January 1, 2008, to the present, responsible for approving and auditing
5 warranty claims.

6 **Response to Interrogatory No. 6:**

7 NNA objects to this Interrogatory on the grounds that it is vague, ambiguous, and appears
8 to cover a broad and complex subject. Therefore, it is overbroad, burdensome, and oppressive.
9 NNA further objects to this Interrogatory as vague, ambiguous, overbroad, and burdensome in its
10 reference to “corporate affiliates.” This Interrogatory is answered only on behalf of NNA. NNA
11 further objects to this Interrogatory on the grounds it is overly broad, seeks information not
12 relevant to the claims or defenses presented in this litigation, and not proportional to the needs of
13 the case. NNA further objects to this Interrogatory on the ground that it is vague, ambiguous,
14 overbroad, and burdensome in its use of the phrase, “approving and auditing warranty claims,”
15 “responsible for,” and to the extent it asks to identify “all” employees. NNA further objects to
16 this Interrogatory as it is overbroad in temporal scope.

17 Subject to and without waiving its objections:

18 NNA’s Warranty Administration department processes claims submitted by dealers
19 seeking reimbursement for repairs to vehicles under NNA’s written warranties. The current
20 senior manager of NNA’s Warranty Administration department is:

21 Kristyn Lau
22 Senior Manager, Warranty
23 Nissan North America, Inc.
24 One Nissan Way
Franklin, TN 37067

25 Other individuals may be identified after investigation and discovery have progressed, and
26 NNA reserves the right to supplement this response.

27 **Interrogatory No. 7:**

28 Identify each and every failsafe mechanism, and/or design feature, if any, installed in the

vehicles that are equipped with ISST/AEB/FEB in the AEB-Equipped Vehicles.

Response to Interrogatory No. 7:

NNA objects to this Interrogatory on the grounds that it is vague, ambiguous, and appears to cover a broad and complex subject. Therefore, it is overbroad, burdensome, and oppressive.

NNA further objects to this Interrogatory on the grounds it is overly broad, seeks information not relevant to the claims or defenses presented in this litigation, and not proportional to the needs of the case. NNA further objects to this Interrogatory on the ground that it is vague and ambiguous in its use of the terms “failsafe mechanism” and “design feature.” NNA further objects to this Interrogatory on the grounds that it so vague and ambiguous that NNA cannot determine what information, document, or material is truly sought and therefore cannot provide a meaningful response.

Subject to and without waiving its objections:

NNA did not have design responsibility for automatic emergency braking systems in any Nissan vehicles so it is unable to answer this Interrogatory as phrased. Nissan Motor Co., Ltd. had overall design responsibility for automatic emergency braking systems in Nissan vehicles.

Interrogatory No. 8:

Identify and describe the role of all persons who wrote, prepared, designed, engineered, validated, or tested all design documents and technical specifications related to hardware, firmware (embedded microcode), and software components in the AEB-Equipped Vehicles, including the following:

- f. wiring diagrams;
- g. circuit board diagrams and/or schematics, showing board layout on each layer of the board;
- h. microcontroller and software that runs the microcontroller;
- i. parts lists;
- j. bills of materials;
- k. functional block diagrams;
- l. design calculations;

- m. design control procedures governing how Nissan manages its design process;
- n. assembly instructions;
- o. manufacturing processes;
- p. post-sale maintenance procedures;
- q. fault-finding manuals;
- r. systems modeling and simulations;
- s. documents showing what kinds of commands are capable of actuating the braking system; and
- t. all applicable source codes.

This Interrogatory covers all iterations from the initial prototype to the final production vehicles and includes all change request histories and the reasons for the proposed changes (whether or not the change was effected).

Response to Interrogatory No. 8:

NNA objects to this Interrogatory on the grounds that it is vague, ambiguous, compound, and appears to cover a broad and complex subject. Therefore, it is overbroad, burdensome, and oppressive. NNA further objects to this Interrogatory on the grounds it is overly broad, seeks information not relevant to the claims or defenses presented in this litigation, and not proportional to the needs of the case. NNA further objects to this Interrogatory as vague, ambiguous, overbroad, and burdensome to the extent it asks to identify “all” persons. NNA further objects to this Interrogatory on the ground that it is vague and ambiguous in its use of the terms or phrases “design documents,” “technical specifications,” “microcontroller,” “functional block diagrams,” “design control procedures,” “post-sale maintenance procedures,” “fault-finding manuals,” “systems modeling,” and “actuating the braking system.” NNA further objects to this Interrogatory on the grounds that it so vague and ambiguous that NNA cannot determine what information, document, or material is truly sought and therefore cannot provide a meaningful response.

Subject to and without waiving its objections:

1 NNA did not have design responsibility for automatic emergency braking systems in any
2 Nissan vehicles so it is unable to answer this Interrogatory as phrased. Nissan Motor Co., Ltd.
3 had overall design responsibility for automatic emergency braking systems in Nissan vehicles.

4 **Interrogatory No. 9:**

5 Identify all persons who wrote, prepared, designed and/or engineered the FMEA's (failure
6 mode and effects analyses), fault tree analyses, Ishikawa diagrams, and other failure analyses,
7 (including, but not limited to, inductive, deductive, and brainstorming analyses) relating to the
8 AEB/FEB in the AEB-Equipped Vehicles.

9 **Response to Interrogatory No. 9:**

10 NNA objects to this Interrogatory on the grounds that it is vague, ambiguous, and appears
11 to cover a broad and complex subject. Therefore, it is overbroad, burdensome, and oppressive.
12 NNA further objects to this Interrogatory on the grounds it is overly broad, seeks information not
13 relevant to the claims or defenses presented in this litigation, and not proportional to the needs of
14 the case. NNA further objects to this Interrogatory as vague, ambiguous, overbroad, and
15 burdensome to the extent it asks to identify "all" persons. NNA further objects to this
16 Interrogatory on the ground that it is vague and ambiguous in its use of the terms and phrases
17 "fault tree analyses," "Ishikawa diagrams," "other failure analyses," and "inductive, deductive,
18 and brainstorming analyses." NNA further objects to this Interrogatory to the extent it presumes
19 information and/or documents currently exist, existed in the past, or are generated or maintained
20 in a particular manner.

21 Subject to and without waiving its objections:

22 NNA did not have design responsibility for automatic emergency braking systems in any
23 Nissan vehicles so it is unable to answer this Interrogatory as phrased. Nissan Motor Co., Ltd.
24 had overall design responsibility for automatic emergency braking systems in Nissan vehicles.

25 **Interrogatory No. 10:**

26 Identify all present or former employees at Nissan who had responsibility for test
27 schedules, test results and sign-offs with respect to the ISST/AEB/FEB/ACC employed in the
28 AEB-Equipped Vehicles. Include testing done at the component, system and/or vehicle level.

1 Also include testing performed by outside suppliers.

2 **Response to Interrogatory No. 10:**

3 NNA objects to this Interrogatory on the grounds that it is vague, ambiguous, and appears
4 to cover a broad and complex subject. Therefore, it is overbroad, burdensome, and oppressive.
5 NNA further objects to this Interrogatory on the grounds it is overly broad, seeks information not
6 relevant to the claims and defenses raised in this litigation, seeks information in the custody and
7 control of third parties and not accessible to NNA, and as not proportional to the needs of the
8 case. NNA further objects to this Interrogatory on the ground that it is vague and ambiguous in
9 its use of the terms “test schedules,” “test results,” and “sign-offs.” NNA further objects to this
10 Interrogatory as vague, ambiguous, overbroad, and burdensome to the extent it asks to identify
11 “all” employees and in its use of the phrase “had responsibility for.” NNA further objects to this
12 Interrogatory on the grounds that it so vague and ambiguous that NNA cannot determine what
13 information, document, or material is truly sought and therefore cannot provide a meaningful
14 response.

15 Subject to and without waiving its objections:

16 NNA did not have design responsibility for automatic emergency braking systems in any
17 Nissan vehicles so it is unable to answer this Interrogatory as phrased. Nissan Motor Co., Ltd.
18 had overall design responsibility for automatic emergency braking systems in Nissan vehicles.

19 **Interrogatory No. 11:**

20 Identify all present or former employees at Nissan who had responsibility for all TSBs or
21 Dealer Bulletins referring to or discussing the type of ISST/AEB/FEB/ACC installed in the AEB-
22 Equipped Vehicles, including but not limited to TSB NTB15-099b and TSB NTB16-116.

23 **Response to Interrogatory No. 11:**

24 NNA objects to this Interrogatory on the grounds that it is vague, ambiguous, and appears
25 to cover a broad and complex subject. Therefore, it is overbroad, burdensome, and oppressive.
26 NNA further objects to this Interrogatory as vague, ambiguous, overbroad, and burdensome to the
27 extent it asks to identify “all” employees and in its use of the phrase “had responsibility for.”
28 NNA further objects to this Interrogatory on the grounds that it so vague and ambiguous that

1 NNA cannot determine what information is truly sought and therefore cannot provide a
2 meaningful response.

3 Subject to and without waiving its objections:

4 At this time, the case is in its early stages and various motions challenging Plaintiffs'
5 pleadings are pending. Further, NNA's investigation into facts relevant to this case is ongoing.
6 Depending on the ultimate issues deemed relevant to this case, there could be various NNA
7 employees with knowledge about issues involved in this case. At this time, NNA has already
8 identified in its Initial Disclosures the following employees believed to be knowledgeable about
9 NNA's investigations and projects related to automatic emergency braking systems:

10 Martin Lambrecht
11 Manager, Field Quality Investigations
12 Nissan North America, Inc.
13 610 Enon Springs Rd. East
Smyrna, TN 37167

14 Selim Hammoud
15 Director, Product Safety & Environmental
16 Nissan North America, Inc.
One Nissan Way
Franklin, TN 37067

17 Tom Cole
18 Senior Manager, Field Quality Investigations
19 Nissan North America, Inc.
610 Enon Springs Rd. East
20 Smyrna, TN 37167

21 In response to this Interrogatory, NNA further identifies the following:

22 Steven Miller
23 Senior Manager, Recall and Safety Campaigns, Product Safety & Environmental
24 Nissan North America, Inc.
610 Enon Springs Rd. East
Smyrna, TN 37167

25 Other individuals may be identified after investigation and discovery have progressed, and
26 NNA reserves the right to supplement this response.

27 **Interrogatory No. 12:**

28 Identify all persons who wrote, prepared, designed and/or engineered the Factory Service

1 Manual/Factory Shop Manual for the type of ISST/AEB/FEB/ACC installed in the AEB-
2 Equipped Vehicles.

3 **Response to Interrogatory No. 12:**

4 NNA objects to this Interrogatory on the grounds it is vague, ambiguous, overly broad,
5 seeks information not relevant to the claims or defenses presented in this litigation, and is not
6 proportional to the needs of the case. NNA further objects to this Interrogatory as vague,
7 ambiguous, overbroad, and burdensome to the extent it asks to identify “all” persons. NNA
8 further objects to this Interrogatory on the ground that it is vague and ambiguous in its use of the
9 phrase “type of.”

10 **Interrogatory No. 13:**

11 Identify all third parties involved in the marketing and advertising of the Class Vehicles,
12 including but not limited to public relations companies, consulting firms, and consumer research
13 companies.

14 **Response to Interrogatory No. 13:**

15 NNA objects to this Interrogatory on the grounds that it is vague, ambiguous, and appears
16 to cover a broad and complex subject. Therefore, it is overbroad, burdensome, and oppressive.
17 NNA further objects to this Interrogatory on the grounds that it seeks information not relevant to
18 the claims or defenses presented in this litigation and is not proportional to the needs of the case.
19 NNA further objects to this Interrogatory as vague, ambiguous, overbroad, and burdensome to the
20 extent it asks to identify “all” third parties. NNA further objects to this Interrogatory as it is
21 overbroad in temporal and geographic scope. NNA further objects to this Interrogatory because it
22 seeks information that is not relevant to any party’s claim or defense, as Plaintiffs have not
23 identified any advertisement seen or relied upon by Plaintiffs prior to purchasing their vehicles,
24 and, further, the content of any advertising or marketing speaks for itself.

1 Dated: May 17, 2019

DRINKER BIDDLE & REATH LLP

2
3 By: Matthew J. Adler
Paul J. Riehler
E. Paul Catley, Jr. (*pro hac vice*)
Matthew J. Adler

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5 Attorneys for Defendants
NISSAN NORTH AMERICA, INC.
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1 VERIFICATION

2 I, Angie Mathis, declare that I am an employee of Nissan North America, Inc. and am
3 authorized to execute this Verification. The matters stated in the foregoing responses are not all
4 within my personal knowledge, and I am informed and believe that there is no employee or
5 officer of Defendant Nissan North America, Inc. who has personal knowledge of all such matters.
6 Defendant Nissan North America, Inc.'s Objections and Responses to Plaintiffs' First Set of
7 Interrogatories was prepared by persons at the direction of Nissan North America, Inc. and its
8 attorneys using materials from various sources including Nissan North America, Inc.'s records
9 and files and I am informed by said individuals that the facts stated in said responses are true. I
10 declare under penalty of perjury that the statements are true and correct to the best of my
11 information, knowledge, and belief, and I hereby sign the foregoing for and on behalf of Nissan
12 North America, Inc. Executed this 17th day of May 2019 at Franklin, TN

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15 Angie Mathis
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1 **PROOF OF SERVICE**

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3 I am a citizen of the United States and employed in the County of San Francisco, State
4 of California. I am over the age of 18 and not a party to the within action. My business
5 address is Drinker Biddle & Reath LLP, Four Embarcadero Center, 27th Floor, San Francisco,
6 California 94111.

7 On May 17, 2019, I served the foregoing document described as: **DEFENDANT**
8 **NISSAN NORTH AMERICA, INC.'S OBJECTIONS AND RESPONSES TO**
9 **PLAINTIFFS' FIRST SET OF INTERROGATORIES** on the interested parties in this
10 action as follows:

11 **SEE SERVICE LIST**

12 X **By electronic service:** by transmitting via e-mail or electronic transmission the
13 document(s) listed above to the person(s) at the e-mail address(es) set forth below.

14 X **By United States mail:** by placing the document(s) listed above in a sealed envelope
15 with postage thereon fully prepaid, the United States mail at San Francisco, California
16 addressed as set forth below.

17 X (Federal) I declare that I am employed by a member of the bar of this court under whose
18 direction these documents were served.

19 I declare under penalty of perjury under the law of the United States of America that the
20 foregoing is true and correct.

21 Executed on May 17, 2019, at San Francisco, California.

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Sylvia Lee

SERVICE LIST

Case No. 4:18-cv-07292-HSG

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